

I would like to file a comment against the merger of at&t and T-Mobile should and suggest this proposed merger not be approved by the Commission. Reasons for declining approval are as follows:

*at&t has stated "T-Mobile USA and AT&T are not close competitors, and other providers already fill?or could easily move to fill?the competitive role T-Mobile USA occupies today." This is untrue. As the only two competitive carriers offering GSM and HSPA-based standards technology, this has allowed the two companies to market international services as a native part of their offered services. CDMA-based companies are unable to offer this option on most phones and specially market select international phone handsets on a much more selective basis. To allow this merger will allow at&t an unfairly large market share of the international marketing demographic. No other company has invested in technology to allow them to "fill the competitive role T-Mobile USA occupies today" and force adequate competition in international rates and availability.

*at&t has stated "T-Mobile USA likewise faces capacity constraints in a number of key markets. - Mobile USA likewise faces capacity constraints in a number of key markets. It also has no clear path to deploy LTE services because it has already dedicated its spectrum resources to today?s less spectrally efficient technologies." This also implies at&t faces a capacity constraint. It is interesting at&t should make this complaint in the face of other companies seeking out cooperative agreements to solve this very concern. These agreements allow companies to share spectrum, while pooling available resources which serve to increase ability to increase available capacity. This type of cooperation is critical in the face of the "spectrum crunch" and has created innovation in the marketplace. I cite the example of Clearwire, which has worked cooperatively with Sprint, Time-Warner, Comcast, and other companies, who now market individualized services at competitive prices, while serving to alleviate spectrum demand and increase backhaul capacity for data. at&t's claim is simply untrue and at this point should be dismissed.

*at&t has stated: "T-Mobile USA?s absence from the marketplace will not have a significant competitive impact, particularly vis-à-vis AT&T. AT&T is more focused on Verizon and Sprint than on T-Mobile USA, and AT&T too is seeing increased competitive threats from rapidly growing mavericks like MetroPCS and Leap and other providers. These other competitors can quickly replace the diminished market role T-Mobile USA plays today?and indeed have already begun to do so." This is untrue. Leap, MetroPCS, and other providers have thus far been able to maintain a competitive amount of retail and other sales outlets on a comparative basis for the markets these companies compare in. Additionally, many of these regional companies lack the capital necessary to address the very concerns at&t is claiming for itself: lack of efficient spectrum, capacity limitations, etc.

*at&t has stated they will migrate T-Mobile customers to at&t services over time in order to provide a clear path to LTE. While a clear path to LTE is in the interest of the Commission, Federal Government, and American Public - the trade off as proposed by at&t is NOT worth the cost to the

American Public. As part of the migration process, T-Mobile customers will most likely be forced to choose plans which offer less for increased cost. Examples include - a typical plan cost increase of 10-20% as compared to at&t's plans today, unlimited data for mobile phones as opposed to a typical 2GB cap (decreasing the overall value of service offered), comparatively more expensive handsets which offer fewer consumer choice options (example: Android-based Phones on at&t do not allow consumers to install any application of choice via "sideloading" while T-Mobile handsets allow this), etc.

*Lastly, at&t has historically been proven to be anti-competitive and anti-consumer, as demonstrated with the infamous "Ma Bell" breakup. A duopoly of at&t and Verizon, with Sprint as a distant third, cuts the number of major national competition by 25%, which will have an undoubtedly large impact on the US mobile phone and mobile broadband market. To allow this significant an impact to occur is not in the interest of the American People.

I urge the Commission to take the unusual step of also letting the American People speak by proxy - it is suggested the Commission also review the second quarter report of at&t to determine if an increase in subscribers leaving the carrier as a reaction to the proposed merger is occurring. This is an impartial and accurate method to provide a unique and revealing gauge of how this proposed merger will benefit the American Public.

In summary, as revealed by the points above, the proposed merger of at&t and T-Mobile will not stand to benefit the consumer marketplace, competitive aspects, and provided services of the mobile phone industry as a whole. I urge the Commission to not approve this merger. Thank you.